

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS SANCHEZ,
on behalf of himself and
others similarly situated,

Plaintiffs,

v.

JOSEPH GUERRERA and
LOCKWOOD & WINANT SEAFOOD LLC

Defendants.

MOTION TO COMPEL PRODUCTION

We are counsel to Plaintiff and hereby move the Court to compel Defendants to produce JOSEPH GUERRERA, a party witness to this case, for deposition.

Defendants have refused to produce JOSEPH GUERRERA for deposition at 10 a.m. for any day. Instead, they insist on producing him not earlier than 2 p.m. and that the deposition be broken out over a two day period. We believe this violates Fed.R.Civ.P. Rule 30 (d)(1), which requires that a "a deposition is limited to 1 day of 7 hours." The only rationale that Defendants have provided is that JOSEPH GUERRERA does not want to take a day off from work.

We also respectfully request the Court assess all fees incurred in compelling the production of JOSEPH GUERRERA.

New York, New York
July 13, 2011

Respectfully submitted,

/s/ C.K. Lee

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Motion denied. The Dep't's 7 witnesses can be scheduled & notice should take into consideration witnesses' convenience 7/18/11
[Signature]